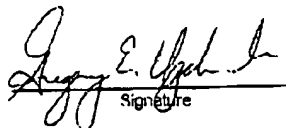


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<b>TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT</b>		Docket Number (Optional) 39868/25551
In re Application of:	Pasker	
Application No.:	09/931,466	
Filed:	08/16/2001	
For:	Catheter with Out-of-plane Configurations	
<p>The owner, <u>Larry D. Pasker</u>, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 in 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. <u>5,304,131</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 in 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, if found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.</p> <p style="text-align: right;">         Signature Date 08/09/2002  <u>Gregory E. Upchurch</u>        Typed or printed name     </p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/56 may be used for making this statement. See MPEP § 324.</p>		

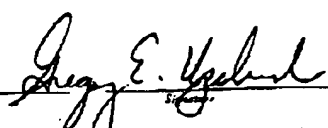
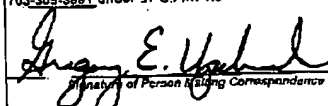
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\*\* TOTAL PAGE. 04 \*\*

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<b>FAX TRANSMITTAL LETTER</b> (General - Patent Pending)			Docket No. 39868/25551
In Re Application Of: Poskar			
Serial No. 09/931.466	Filing Date 08/16/2001	Examiner Bockelman, M.	Group Art Unit 3762
Title: Catheter With Out-Of-Plane Configurations			
<b><u>TO THE COMMISSIONER OF PATENTS AND TRADEMARKS</u></b>			
Transmitted herewith is:			
1. Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent.			
2. Postcard			
in the above identified application.			
<input type="checkbox"/> No additional fee is required.			
<input type="checkbox"/> A check in the amount of _____ is attached.			
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge and credit Deposit Account No. 20-0823 as described below. A duplicate copy of this sheet is enclosed.			
<input checked="" type="checkbox"/> Charge the amount of <u>\$55.00</u> .			
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		Dated: August 9, 2002	
Gregory E. Upchurch, Reg. No. 20,482 Thompson Coburn LLP One US Bank Plaza, Suite 3500 St. Louis, Missouri 63101-9928 314-552-6580 314-552-7580 FAX		<div style="font-size: small; padding: 2px;">I certify that the document and fee authorization is being faxed on 08/09/2002 to Examiner M. Bockelman at the U.S. Patent Office, Washington, D.C. 20231, fax number 703-305-3691 under 37 C.F.R. 1.8</div> <div style="text-align: center; padding: 5px;"> <small>Signature of Person Mailing Correspondence</small></div> <div style="text-align: center; padding: 5px;"><b>Gregory E. Upchurch</b> <small>Typed or Printed Name of Person Mailing Correspondence</small></div>	
Customer No.: 021888		P188/REV01	

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To	Firm Name	Phone	Fax
Examiner Docketman	U.S. Patent and Trademark Office		703-305-3591

From: Gregory E. Upchurch

Date: 08/09/2002

Message: RE: Application of: Poskar  
 Application No. 09/031,466  
 Filed: 08/16/2001  
 For: Catheter with Out-Of-Plane Configurations  
 Docket No. 39868/25551

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AUG 09 2002

GROUP 3700

Examiner Docketman,

Please note the enclosed Terminal Disclaimer is being filed today in addition to an Amendment filed 08/08/2002 in response to the Office Action of 03/26/2002.

Gregory E. Upchurch, Reg. No. 28,482  
 Thompson Coburn LLP  
 One US Bank Plaza  
 St. Louis, MO 63101  
 314-552-6580  
 314-552-7580 (fax)

Atty/Client/Matter No.: 2372/39868/25551

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Thank you,

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